

**REMARKS**

Claims **1-10, 13-20, 23-30, 33-45** and **51-65** are pending in the application.

Claims **1-10, 13-20, 23-30, 33-45** and **51-60** stand rejected.

Claim **7, 24-25** and **30** have been amended.

*Formal Matters*

Claims 24 and 30 have been amended to correct minor typographical errors. No new matter is added thereby.

*Claim Objection*

Claim 25 is objected to by the Examiner. Appropriate correction has been made to Claim 25. Applicants respectfully submit the Examiner's concerns are addressed thereby.

*Rejection of Claims under 35 U.S.C. §103*

Claims 1-10, 13-20, 23-30, 33-45, and 51-60 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over by Saksio, U.S. Patent Publication No. 2004/0105390 ("Saksio"), in view of Hamami, U.S. Patent No. 5,959,972 ("Hamami"). While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows.

The Office Action relies on Saksio in view of Hamami, positing that their purported combination somehow teaches maintaining said communications channel between downstream and upstream portions of said communications network by re-enabling said port of said network element coupled to said second link between said network element and said downstream portion.

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*See* Office Action, pp. 6-7. Among other failings of such a combination, and without reaching the question of the propriety thereof, Applicants respectfully submit that the cited sections of Hamami fail to disclose re-enabling a port coupled to a second link between the network element and the downstream portion of a communications network, as claimed. Accordingly, the cited sections of Saksio and Hamami, alone or in permissible combination, fail to teach or fairly suggest the limitations of Claim 1.

The Office Action attempts to equate Hamami's Station 26 with the claimed network element and Port 0 with the claimed port of the network element. *See* Office Action p. 6. However, Figure 2 of Hamami clearly shows that Port 0 is a port of ATM switch #2, and *not* of Station 26 (the purported network element). *See* Hamami Fig. 2, 5:1-4. Further, Hamami makes no disclosure of Port 0 being re-enabled, as claimed or otherwise. Instead, Hamami is only cognizant of a failure occurring on main link 60 or on the two ports on either side of main link 60, and thus is only cognizant of "re-enabling" the ports on either side of main link 60 (Ports 1 of ATM switches #1 and #2). *See* Hamami 4:39-49.

Lacking any way to demonstrate the disclosure of Port 0 being re-enabled in some fashion, the Office Action instead attempts to rely on Port 0 reconnecting to a re-enabled Port 1 in an abortive effort to demonstrate the teaching of the claimed re-enabled port of the network element. *See* Office Action, p. 6. However, reconnecting to a re-enabled port is not equivalent to re-enabling a port. Hamami differentiates between the two actions, in fact, as shown in the re-enabling of Port 1 and the lack of re-enabling in Port 0. *See* Hamami 5:35-57. Thus, Hamami's discussion of Port 0 fails to teach or fairly suggest the claimed re-enabled port of the network element.

The cited sections of Hamami also fail to teach or suggest the claimed network element port coupled to a second link between the network element and the downstream portion of the communications network. The Office Action attempts to equate the virtual circuit element 118 of Figure 2 to the claimed second link between the network element and the downstream portion, where main link 60 leads to the upstream portion of the communications network. *See* Office Action, p. 6 (citing Hamami Fig. 2). However, Figure 2 clearly shows that both main link 60 and virtual circuit element 118 are flowing in the same direction because the virtual circuit element 118 forms part of the redundant link to ATM switch #1. *See* Hamami Fig. 2, 5:35-57. From Station 26's (the purported network element's) perspective, if ATM switch #1 is upstream as posited by the Office Action, then ATM switch #2 must also be upstream. *See* Hamami Figs. 1, 2; *see also* Office Action, p. 6. Thus, virtual circuit element 118 cannot be equated to the second link between the network element and the downstream portion of the network.

Further in this regard, the cited sections of Hamami fail to disclose any portion of the network being downstream from Station 26 (the purported network element), which is unsurprising considering that Station 26 is an end station. *See* Hamami Fig. 1, 2; *see also* Hamami 4:24-38. As will be appreciated, no stations would exist downstream of an end station situated at the furthest point downstream, by definition. Accordingly, the cited sections of Hamami fail to teach the claimed port of the network element coupled to a second link between the network element and the downstream portion of the communications network.

Finally, Applicants note that Hamami's discussion of Port 1 cannot be successfully characterized as teaching or fairly suggesting the claimed re-enabled network element port. The claimed re-enabled network element port is coupled to a second link between the network element and the downstream portion of the communications network. However, Port 1 is only

disclosed to be connected to Port 0 or Port 2 on the same ATM switch. *See* Hamami 5:35-57. The cited sections of Hamami fail to disclose Port 1 being coupled to a link between the network element and the downstream portion of the network, as claimed.

As recognized by the Office Action, the cited sections of Saksio also fail to disclose re-enabling a disabled port coupled to a second link between the network element and the downstream portion of a communications network, as claimed. *See* Office Action, p. 6. For similar reasons, Saksio also fails to teach or fairly suggest the claim limitations of Claims 15, 25, 35, and 38. Accordingly, the cited sections of Saksio and Hamami, alone or in permissible combination, fail to teach or fairly suggest the claim limitations of Claim 1, 15, 25, 35, and 38.

Applicants note that Claim 7 has been amended to recite that the port is not re-enabled if the port is configured to remain disabled in response to the detection of the recovery of the first link. Support for this amendment can be found throughout the originally-filed Application, and at least at paragraph 27. As recognized by the Office Action, Saksio fails to teach or fairly suggest detecting recovery of a failed link. *See* Office Action, p. 6. Thus, Saksio cannot teach a port further configured to remain disabled in response to detecting the recovery of a failed link. Hamami's system also fails to teach this claim limitation. Ingress traffic is returned to Hamami's main link when the main link is restored. *See* Hamami 7:14-17. Thus, Hamami's system must enable the ports on either side of main link 60 when the main link is restored. As one would expect, then, Hamami's system fails to disclose a port being configured to remain disabled in response to detecting recovery of a failed link, as claimed. Accordingly, the cited sections of Saksio and Hamami, alone or in permissible combination, fail to teach or fairly suggest a port configured to remain disabled in response to detecting recovery of said first link.

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For at least these reasons, Applicants submit that the cited sections of Saksio and Hamami, alone or in permissible combination, fail to teach or fairly suggest the claim limitations of independent Claims 1, 15, 25, 35, and 38. Applicants therefore submit that independent Claims 1, 15, 25, 35, and 38, and all claims depending therefrom, are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

Claims 61-65 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Saksio, U.S. Patent Publication No. 2004/0105390 ("Saksio"), in view of Hamami, U.S. Patent No. 5,959,972 ("Hamami") as applied to claims 1, 15, 25, 35 and 38 respectively above, and further in view of Gai et al., U.S. Patent No. 6,535,491 B2 ("Gai") and Hebert, U.S. Patent No. 6,728,780 ("Hebert"). Applicants respectfully traverse these rejections for at least the reasons set forth above with respect to independent claims 1, 15, 25, 35, and 38.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

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